

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00277

JESS GUNNOE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 25, 2014, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Jess Gunnoe, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Patrick M. Fidler. The defendant commenced a 28-month term of supervised release in this action on May 5, 2014, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on October 30, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by his admission on June 11, 2014, that he had recently been injecting Suboxone with a needle while a resident of a community confinement center; a positive urine specimen submitted by him on July 11, 2014, for methamphetamine; and his admission on July 30, 2014, that he had used Suboxone without a prescription approximately five days prior; and (2) the defendant failed to abide by the special condition that he spend six months in a community confinement center inasmuch as he entered Dismas Charities on May 5, 2014, and was discharged on July 25, 2014, for numerous violations of the rules and regulations of the facility as more fully set forth in the petition; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate

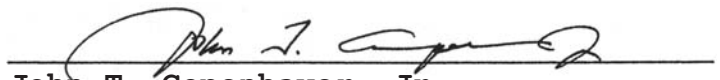
the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 25, 2014


John T. Copenhaver, Jr.
United States District Judge